

**SUMMARY SHEET
BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
NOVEMBER 13, 2003**

BUREAU OF LAND AND WASTE MANAGEMENT

Hazardous Waste Enforcement

- 1) Order Type and Number: Consent Order 03-26-HW
 Order Date: September 2, 2003
 Responsible Party: **Mt. Pleasant Collision Center, Inc.**
 Location/Mailing Address: 423 Stuart Engals Blvd.
 Mount Pleasant, SC 29464

 County: Charleston
 Previous Orders: None
 Permit Number: SCR 000 763 151
 Violations Cited: The South Carolina Hazardous
 Waste Management Act §44-56-130(2) and the South Carolina Hazardous
 Waste Management Regulations 61-79.262.34(f), R.61-79.262.34(a)(3),
 R.61-79.262.34(a)(2), R.61-79.265.173(a), R.61-79.265.175(a), R.61-
 79.265.174, R.61-79.262.34(c)(1)(ii), R.61-79.265.53(a), R.61-79.265.37,
 R.61-79.265.16(a)(1), R.61-79.265.16(d)

Summary: Mt. Pleasant Collision Center, Inc. (Respondent) is a body shop that repairs damaged automobiles. The Respondent has violated the South Carolina Hazardous Waste Management Regulations as follows: failure to store hazardous waste for 180 days or less; failure to label or mark clearly each container with the EPA Hazardous Waste Number and the words: "Hazardous Waste – federal laws prohibit improper disposal"; failure to ensure that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container; failure to ensure that containers holding hazardous waste were closed during storage, except when it was necessary to add or remove waste; failure to provide container storage areas with secondary containment; failure to inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors; failure to mark satellite accumulation containers either with the words: "HAZARDOUS WASTE" or with other words that identify the contents of the container; failure to maintain a copy of the contingency plan and all revisions to the plan at the facility; failure to make arrangements with local authorities as required to by R.61-79.265 Subpart C; failure to ensure that facility personnel successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with this part; and, failure to maintain personnel training documents and records at the facility.

Action: The Respondent has agreed to: ensure that hazardous waste is not stored onsite for greater than 180 days; manage containers of hazardous waste in accordance with R.61-79.262.34 and R.61-79.265 Subpart I – Use and Management of Containers; ensure that weekly inspections are performed on all hazardous waste storage areas; maintain a copy of the contingency plan and all revisions to the plan at the facility; ensure compliance with the personnel training requirements of R.61-79.265.16; and, pay a civil penalty in the amount of one thousand, eight hundred dollars (**\$1,800.00**) in twelve installment payments.

- 2) Order Type and Number: Consent Order 03-27-HW
 Order Date: September 12, 2003
 Responsible Party: **Cummins MerCruiser Marine**
 Location/Mailing Address: 4500 Leeds Avenue #500
 Charleston, SC 29405

 County: Charleston
 Previous Orders: 00-11-HW (\$34,000.00)
 Permit Number: SCR 000 763 763
 Violations Cited: The South Carolina Hazardous
 Waste Management Act §44-56-130(2) and the South Carolina Hazardous
 Waste Management Regulations 61-79.262.21(a)(5), R.61-
 79.262.34(c)(1)(ii), R.61-79.262.40(a), R.61-79.265.15(d), R.61-
 79.265.16(d)(4), R.61-79.265.53(a), R.61-79.265.173(a), R.61-
 79.265.174, and R.61-79.268.7(a)(2)

Summary: Cummins MerCruiser Diesel Marine, LLC (Respondent) manufactures marine engines for yachts, sport fishing boats, trawlers, military crafts and commercial vessels. The Respondent has violated the Hazardous Waste Management Regulations as follows: failure to include on the manifest the description of the waste(s); failure to mark containers of hazardous waste either with the words “Hazardous Waste” or with other words that identify the contents; failure to keep a copy of each manifest signed in accordance with section 262.23(a) onsite for at least three (3) years; failure to record inspections in an inspection log; failure to maintain at the facility records that document the training or job experience given to and completed by facility personnel; failure to maintain a copy of the contingency plan at the facility; failure to keep all containers of hazardous waste closed except when necessary to add or remove waste; failure to inspect hazardous waste containers weekly; and, failure to include with the initial shipment of waste a one-time written Land Disposal Restriction notice.

Action: The Respondent has agreed to: ensure that all containers of hazardous waste are managed in accordance with R.61-79.262.34 and R.61-79.265 Subpart I – Use and Management of Containers; include on each manifest, a description of the waste(s); ensure that a copy of each signed manifest, personnel training records, and a copy of the contingency plan are kept onsite; ensure compliance with applicable Land Disposal Restriction regulations in R.61-

79.268; and, pay a civil penalty in the amount of fifteen thousand dollars (**\$15,000.00**). The civil penalty will be paid in one payment.

Solid Waste Enforcement

- 3) Order Type and Number: Administrative Order 03-20-SW
 Order Date: June 16, 2003
 Responsible Party: **Willie Jenkins d.b.a. Willie
Jenkins Truck Service**
 Location/Mailing Address: 134 Brookstone Road/P.O. Box 253
 Santee, SC 29142
 County: Orangeburg
 Previous Order(s): None
 Violation(s) Cited: South Carolina Solid Waste Policy
 and Management Act of 1991 (2002), Used Oil Regulation, 25A S.C.
 Code Ann. Reg. 61-107.279: 12.g., 12.h., 22.b.(2), 22.c.(1), 22.d.(1), (2),
 (3), (4) and Pollution Control Act, 48-1-90 (a) (1987).

Summary: Mr. Willie Jenkins (Mr. Jenkins) unlawfully discharged used oil onto the ground of property he owns in Orangeburg County, South Carolina (Site). Mr. Jenkins owns and operates a truck repair business on the Site and has failed to properly store and dispose of the used oil generated by his business. This constitutes a violation of the Used Oil Regulations and the Pollution Control Act.

Action: The Order, which was not appealed, requires that Mr. Jenkins submit a plan for the proper sampling, excavation, removal, and lawful disposal of the contaminated soil. The Order also requires that Mr. Jenkins submit receipts to the Department for the lawful disposal of the contaminated soils and any used oil remaining on the Site, and to pay to the Department a civil penalty in the amount of sixteen thousand, five hundred dollars (**\$16,500.00**). The sampling/clean up plan for the Site and the civil penalty payment are due no later than October 22, 2003.

Multi-Media Action

Bureau of Land and Waste Management and Bureau of Water

- 4) Order Type and Number: Consent Order 03-32-SW/03-164-W
 Order Date: September 19, 2003
 Responsible Party: **Georgetown Municipal Solid
Waste Landfill and Georgetown
County Construction, Demolition,
and Land-Clearing Debris Landfill**

Location/Mailing Address: P.O. Box 421270
Georgetown, SC 29442
County: Georgetown
Previous Order(s): None
Permit Number: Municipal Solid Waste Landfill:
221001-1102 Construction,
Demolition and Land-Clearing
Debris Landfill: 221001-1202
Violation(s) Cited: South Carolina Solid Waste Policy
and Management Act of 1991 (2002), 25A S.C. Code Ann. Reg. 61-
107.258.21.a., 25A S.C. Code Ann. Reg. 61-107.11, Part IV, E.6. (Supp.
2002); Georgetown County Subtitle D Municipal Solid Waste Landfill
Permit # 221001-1102, Special Condition A.3.; Georgetown County
Construction, Demolition, and Land-Clearing Debris Landfill Permit
#221001-1202, Special Condition A.1.; The Pollution Control Act, S.C.
Code Ann. § 48-1-90(a) (1987).

Summary: Georgetown County Municipal Solid Waste Landfill (MSW Landfill) failed to control erosion of exposed soils at a closed portion of the landfill, and thereby caused a discharge of sediment to adjacent wetlands and surface waters. Georgetown County Construction, Demolition and Land-Clearing Debris Landfill (C&D Landfill) allowed the discharge of leachate into adjacent surface waters by failing to maintain adequate cover on the C&D Landfill. This constitutes violation of the Pollution Control Act. The MSW Landfill failed to maintain adequate daily cover on the active portion of the MSW Landfill between September, 2002, and November, 2002; and, the MSW Landfill failed to maintain adequate long-term cover, and failed to maintain slope stability on the inactive portions of the MSW Landfill between October, 2002, and November, 2002. This constitutes violation of the Municipal Solid Waste Landfills Regulation and the Georgetown County Subtitle D Municipal Solid Waste Landfill Permit. The C&D Landfill failed to maintain slope stability on the inactive portions of the C&D Landfill between September, 2002, and October, 2002. This constitutes a violation of the Construction, Demolition and Land-Clearing Debris Landfills Regulation.

Action: Consent Order 03-32-SW/03-164-W requires the Landfills to submit to the Department, by October 30, 2003, a written plan addressing the violations and outlining corrective actions; requires the Landfills to establish Best Management Practices to prevent erosion from the closed portions of the MSW Landfill, by October 30, 2003; and, requires the Landfills to pay to the Department a civil penalty in the amount of twenty-eight thousand, three hundred eighty-five dollars (**\$28,385.00**), in equal quarterly payments, beginning October 15, 2003, and ending no later than June 15, 2004. Twenty thousand dollars (\$20,000) of the penalty amount was assessed for violations of the Pollution Control Act, and eight thousand, three hundred eighty-five dollars (\$8,385.00) was assessed for violations of the Solid Waste Policy and Management Act.

Underground Storage Tank Enforcement

- 5) Order Type and Number: Consent Order 03-5052-UST
 Order Date: August 27, 2003
 Owner/Operator: **Coley, Inc.**
 Facility Name: Cuz's Corner
 Facility Address: 419A S Congress Street, Winnsboro
 County: Fairfield
 UST Permit Number: 11040
 Previous UST Orders: None
 Violations Cited: UST Control Regulations, R.61-92,
 §280.31(a), R.61-92, §280.34(c)

Summary: A compliance inspection revealed that the owner had failed to maintain adequate corrosion protection for the tank systems. The owner did not submit records resolving these issues to the Department upon request.

Action: The owner/operator agreed to correct the violations and submit compliance documentation within 30 days. Since the owner has not met the 30-day time limit, the Department anticipates assessing the civil penalty of two hundred fifty dollars (**\$250.00**) once all compliance documentation is received.

- 6) Order Type and No: Consent Order 03-5074-UST
 Order Date: September 5, 2003
 Owner/Operator: **Antonio & Esperanza Montoya/
 Cecilia Hurt**
 Facility Name: Jacika Gas Station
 Facility Address: 500 Arlington Road, Greer
 County: Spartanburg
 UST Permit Number: 04515
 Previous UST Orders: None
 Violations Cited: R.61-92, §280.20(c)(1)(i), R.61-92,
 §280.52, R.61-92, §280.34(c).

Summary: An inspection revealed that the owner had failed to use adequate spill prevention equipment, failed to investigate and confirm a suspected release within a reasonable time period, and failed to submit records to the Department upon request.

Action: The owner replaced the spill bucket and conducted soil sampling. The sampling demonstrated that no contamination could be attributed to the crack in the bottom of the Regular spill bucket. Because of the owner's cooperation in bringing this facility back into compliance, the Department will **suspend** the civil penalty.

- 7) Order Type and Number: Consent Order 03-5103-UST
 Order Date: September 5, 2003
 Owner/Operator: **Robert L. Freeman**
 Facility Name: The City Marina
 Facility Address: 17 Lockwood Dr., Charleston
 County: Charleston
 UST Permit Number: 16880
 Previous UST Orders: None
 Violations Cited: UST Control Regulations, R.61-92,
 §280.23(b).

Summary: A compliance inspection revealed that the owner/operator had failed to obtain a permit to operate prior to placing an underground storage tank system in operation.

Action: The owner/operator corrected the violation and paid a civil penalty of three hundred dollars (**\$300.00**).

- 8) Order Type and Number: Consent Order 01-0890-UST
 Order Date: September 15, 2003
 Owner/Operator: **George Burkett**
 Facility Name: B Quik
 Facility Address: 460 Spencer Hall Rd., Catawba
 County: York
 UST Permit Number: 09425
 Previous UST Orders: AO 98-0198-UST (\$0)
 Violations Cited: UST Control Regulations, R.61-92,
 §280.65.

Summary: A file review revealed that the owner/ operator had failed to submit an Initial Ground Water Assessment report (IGWA) in accordance with a schedule established by the Department.

Action: The Department issued an Administrative Order with a civil penalty of five thousand one hundred forty-five dollars (\$5,145.00) when it became clear that the owner/operator did not intend to enter into a Consent Order or come into compliance. The Administrative Order was not appealed. After receiving a demand letter from Department legal staff, the owner/operator submitted the IGWA and entered into a consent agreement to pay a civil penalty of two thousand five hundred dollars (**\$2,500.00**) no later than December 15, 2003.

- 9) Order Type and Number: Consent Order 03-5179-UST
 Order Date: September 16, 2003
 Owner/Operator: **DASS, Incorporated**
 Facility Name: Bi Rite 1
 Facility Address: 20416 N. Solomon Blatt Ave.,
 Blackville
 County: Barnwell
 UST Permit Number: 00862
 Previous UST Orders: None
 Violations Cited: UST Control Regulations, R.61-92,
 §280.20(d)(2), R.61-92, §280.40(a), R.61-92, §280.34(c).

Summary: A compliance inspection revealed that the owner/ operator had failed to install drop tubes in all fill pipes, provide an adequate release detection method, and supply records to the Department upon request.

Action: The owner/operator agreed to correct the violations and submit the compliance data within 30 days. The drop tubes have been installed and the testing has been scheduled. When the testing results are received, the Department will reduce the civil penalty of one thousand three hundred dollars (\$1,300.00) to three hundred dollars (**\$300.00**).

BUREAU OF WATER

Drinking Water Enforcement

- 10) Order Type and No.: Consent Order 03-158-DW
 Order Date: September 8, 2003
 Responsible Party: **Robyn Barkley**
 Facility:
 Location/Mailing Address: 3815 Lorene Drive
 Sumter, SC 29154
 County: Sumter
 Previous Order(s): 01-009-DW (\$2,800.00)
 Permit/System Number: None
 Violation(s) Cited: 24A S.C. Code Ann. Regs. 61-
 44(D)(4), (7) and (F)(1), 25 S.C. Code Ann. Regs. 61-71(F)(2), (8) and
 12(a)

Summary: Robyn Barkley (Respondent) d/b/a Barkley Well Drilling is in the business of well drilling. The Respondent failed to submit a Notice of Intent form and permitting fees, failed to grout a well, failed to label a well with an identification plate and failed to submit Water Well Record forms.

Action: The Respondent has agreed to: (1) comply with all State rules and regulations concerning well construction and permitting; (2) within five (5) days of the Order date, submit Water Well Record forms; and, (3) within thirty (30) days of the Order date, pay a civil penalty of two thousand one hundred dollars **(\$2,100.00)**.

11)	<u>Order Type and No.:</u>	Consent Order 03-166-DW
	<u>Order Date:</u>	September 15, 2003
	<u>Responsible Party:</u>	City of Loris
	<u>Facility:</u>	City of Loris
	<u>Location/Mailing Address:</u>	PO Box 548 Loris, SC 29569
	<u>County:</u>	Horry
	<u>Previous Order(s):</u>	None
	<u>Permit/System Number:</u>	26WS008
	<u>Violation(s) Cited:</u>	S.C. Code Ann. § 49-5-90 (A)

Summary: The City of Loris (Respondent) owns and is responsible for the operation and maintenance of a permitted groundwater withdrawal system located within the Waccamaw Capacity Use designation area. The Respondent failed to submit groundwater withdrawal reports for the 2001 and 2002 reporting periods.

Action: The Respondent has agreed to: (1) operate and maintain the groundwater wells and report groundwater withdrawal in accordance with the Groundwater Withdrawal Permit and State regulations; and, (2) within thirty (30) days of the Order date, pay a civil penalty of one thousand five hundred twenty dollars **(\$1,520.00)**.

12)	<u>Order Type and No.:</u>	Consent Order 03-169-DW
	<u>Order Date:</u>	September 18, 2003
	<u>Responsible Party:</u>	DAK I, LLC
	<u>Facility:</u>	Greenhill Parish Clubhouse
	<u>Location/Mailing Address:</u>	Manning Kirk & Associates 100 Parish Walk Elgin, SC 29045
	<u>County:</u>	Greenville
	<u>Previous Orders:</u>	None
	<u>Permit/System Number:</u>	40-1011-B
	<u>Violations Cited:</u>	24A S.C. Code Ann. Regs. 61-51(B)(7)

Summary: DAK I, LLC (Respondent) owns and is responsible for a public swimming pool located at the Greenhill Parish Clubhouse. The Respondent failed to obtain an approval to operate prior to placing a public swimming pool into operation.

Action: The Respondent has agreed to: (1) properly operate and maintain its public swimming pool; and, (2) within thirty (30) days of the Order date, pay a civil penalty of three hundred sixty dollars **(\$360.00)**.

13) Order Type and No.: Consent Order 03-172-DW
 Order Date: September 19, 2003
 Responsible Party: **Town of Ehrhardt**
 Facility: Town of Ehrhardt
 Location/Mailing Address: PO Box 180
 Ehrhardt, SC 29801
 County: Bamberg
 Previous Order(s): None
 Permit/System Number: 05WS003
 Violation(s) Cited: S.C. Code Ann. § 49-5-90

Summary: The Town of Ehrhardt (Respondent) owns and is responsible for the operation and maintenance of a groundwater withdrawal system. The Respondent failed to submit groundwater withdrawal reports for the 2002 reporting period.

Action: The Respondent has agreed to: (1) operate and maintain its groundwater wells and report groundwater withdrawal in accordance with State regulations; (2) within fifteen (15) days of the Order date, submit a completed Water Use Report form for the 2002 reporting period; and, (3) within thirty (30) days of the Order date, pay a civil penalty of four hundred dollars **(\$400.00)**.

Water Pollution Enforcement

14) Order Type and No.: Consent Order 03-157-W
 Order Date: September 5, 2003
 Responsible Party: **Sara Lee Sock Company**
 Facility: Sara Lee Sock Company
 Location/Mailing Address: PO Box 2650
 High Point, NC 27261-2650
 County: Barnwell
 Previous Order(s): None
 Permit/System Number: None
 Violation(s) Cited: S.C. Code Ann. § 48-1-90 (a), 25
 S.C. Code Ann. Regs. 61-68.G.10.h

Summary: Sara Lee Sock Company (Respondent) owns and is responsible for the proper operation and maintenance of a hosiery manufacturing facility. The Respondent allowed the unauthorized discharge of process wastewater into the environment and exceeded State Water Quality Standards for turbidity.

Action: The Respondent has agreed to: (1) operate and maintain the facility in accordance with applicable State and Federal regulations; and, (2) within thirty (30) days of the Order date, pay a civil penalty of eleven thousand two hundred dollar **(\$11,200.00)**.

15) Order Type and No.: Consent Order 03-160-W
Order Date: September 12, 2003
Responsible Party: **Georgetown County Department of Education**
Facility: Old Sampit Elementary School
Location/Mailing Address: 400 Kaminski Street
Georgetown, SC 29442
County: Georgetown
Previous Order(s): None
Permit/System Number: SC0039110
Violation(s) Cited: S.C. Code Ann. § 48-1-110(d), 24 S.C. Code Ann. Regs. 61-9.122.41(a)(1), and (e)

Summary: The Georgetown County Department of Education (Respondent) owns and is responsible for the proper operation and maintenance of a wastewater treatment facility (WWTF) serving the Old Sampit Elementary School. The Respondent exceeded the permitted discharge limits for Biochemical Oxygen Demand (BOD) and failed to properly operate and maintain the WWTF.

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2) submit a Corrective Action Plan (CAP) addressing compliance with BOD limits; and, (3) within thirty (30) days of the Order date, pay a civil penalty of four thousand two hundred dollars **(\$4,200.00)**.

16) Order Type and No.: Consent Order 03-161-W
Order Date: September 12, 2003
Responsible Party: **Georgetown County Department of Education**
Facility: New Sampit Elementary School
Location/Mailing Address: 400 Kaminski Street
Georgetown, SC 29442
County: Georgetown
Previous Order(s): None
Permit/System Number: SC0048062
Violation(s) Cited: S.C. Code Ann. § 48-1-110(d), 24 S.C. Code Ann. Regs. 61-9.122.41(a)(1)

Summary: The Georgetown County Department of Education (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF serving the New Sampit Elementary School. The Respondent

exceeded the permitted discharge limits for BOD.

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2) submit plans and specifications and an application for a construction permit addressing elimination of the discharge by connection to a regional sewer; and, (3) within thirty (30) days of the Order date, pay a civil penalty of four thousand two hundred dollars **(\$4,200.00)**.

17)	<u>Order Type and No.:</u>	Consent Order 03-162-W
	<u>Order Date:</u>	September 12, 2003
	<u>Responsible Party:</u>	Galey & Lord
	<u>Facility:</u>	Galey & Lord
	<u>Location/Mailing Address:</u>	PO Box 157 Society Hill, SC 29593
	<u>County:</u>	Darlington
	<u>Previous Order(s):</u>	None
	<u>Permit/System Number:</u>	SC0002704
	<u>Violation(s) Cited:</u>	S.C. Code Ann. § 48-1-110(d), 24 S.C. Code Ann. Regs. 61-9.122.41(a)(1)

Summary: Galey & Lord (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF serving its fabric dyeing and finishing facility. The Respondent exceeded the permitted discharge limit for chronic toxicity.

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2) submit a CAP addressing chronic toxicity compliance; and, (3) within thirty (30) days of the Order date, pay a civil penalty of four thousand eight hundred dollars **(\$4,800.00)**.

18)	<u>Order Type and No.:</u>	Consent Order 03-163-W
	<u>Order Date:</u>	September 12, 2003
	<u>Responsible Party:</u>	Town of Pageland
	<u>Facility:</u>	Northwest WWTF
	<u>Location/Mailing Address:</u>	126 N. Pearl Street Pageland, SC 29728
	<u>County:</u>	Chesterfield
	<u>Previous Order(s):</u>	01-239-W (\$0), 01-240-W (\$0) 03-084-W (\$9,350.00)
	<u>Permit/System Number:</u>	SC0021504
	<u>Violation(s) Cited:</u>	S.C. Code Ann. § 48-1-110(d), 24 S.C. Code Ann. Regs. 61-9.122.41(a), (a)(1) and (j)(3)

Summary: The Town of Pageland (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent exceeded the permitted discharge limit for chronic toxicity, failed to submit properly completed discharge monitoring reports (DMRs), and failed to perform macroinvertebrate assessments.

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2) submit a CAP addressing the submission of properly completed DMRs; (3) submit an implementation schedule for a Toxicity Identification Evaluation; (4) perform all required macroinvertebrate assessments; and, (5) pay a civil penalty of nine thousand eight hundred dollars **(\$9,800.00)**.

19)	<u>Order Type and No.:</u>	Consent Order 03-165-W
	<u>Order Date:</u>	September 12, 2003
	<u>Responsible Party:</u>	Richland County District One
	<u>Facility:</u>	Hopkins Elementary School
	<u>Location/Mailing Address:</u>	201 Park Street
		Columbia, SC 29201
	<u>County:</u>	Richland
	<u>Previous Order(s):</u>	98-068-W (\$7,000.00)
	<u>Permit/System Number:</u>	SC0031496
	<u>Violation(s) Cited:</u>	S.C. Code Ann. § 48-1-110(d), 24
		S.C. Code Ann. Regs. 61-9.122.41(a)(1)

Summary: Richland County District One (Respondent) owns and is responsible for the proper operation and maintenance of a WWTF. The Respondent exceeded the permitted discharge limit for NH₃-N and total suspended solids (TSS).

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2) submit a Diagnostic Evaluation (DE) of the WWTF, to determine if the WWTF can meet limits as designed; (3) submit a preliminary engineering report (PER) addressing upgrade of the WWTF if the DE indicates that an upgrade is necessary; (4) submit a letter requesting permission to remove lime feed equipment; (5) submit a Standard Operating Procedure (SOP) addressing proper handling and disposal of cleaning chemicals for maintenance staff; and, (5) within thirty (30) days of the Order date, pay a civil penalty of nine thousand dollars **(\$9,000.00)**.

20) Order Type and No.: Consent Order 03-167-W
Order Date: September 18, 2003
Responsible Party: **Mullinax Logging, Inc.**
Facility: Hamrick Tract
Location/Mailing Address: 582 Dravo Road

Blacksburg, SC 29702
County: Cherokee
Previous Order(s): None
Permit/System Number: None
Violation(s) Cited: S.C. Code Ann. Regs. 61-68(E)(5)(d), S.C. Code Ann. § 48-1-90(a)

Summary: Mullinax Logging Inc. (Respondent) is responsible for silviculture activities at the Hamrick Tract (Site). The Respondent skidded logs across streams and failed to comply with Best Management Practices (BMPs), which led to sediment discharging into waters of the State.

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2) within one hundred and eighty (180) days, attend and complete the Timber Operations Professional Program Streamside Management Zone Course; and, (3) pay a civil penalty of six thousand dollars (**\$6,000.00**).

21) Order Type and No.: Consent Order 03-170-W
Order Date: September 30, 2003
Responsible Party: **Seppala Homes, Inc.**
Facility: Cherish Ridge Subdivision Phase II
Location/Mailing Address: 3441 Pelham Road, Suite 100
Greenville, SC 29615
Previous Order(s): None
Permit/System Number: SCR106484
Violation(s) Cited: S.C. Code Ann. § 48-1-90(a), 24 S.C. Code Ann. Regs. 61-9.122.41(a) and (e)
County: Pickens

Summary: Seppala Homes, Inc. (Respondent) owns and is responsible for development and construction activities in the Cherish Ridge Subdivision Phase II (Site). The Respondent failed to operate and maintain all facilities and systems of treatment and control as required, and failed to comply with permit conditions by discharging sediment into waters of the State.

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2) within thirty (30) days of the Order date, submit a report, completed by a State registered professional engineer, certifying all storm water controls have been installed and are properly functioning; and, (3) within thirty (30) days of the Order date, pay a civil penalty in the amount of sixteen thousand dollars (**\$16,000.00**).

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2) submit a summary of corrective actions taken and a CAP addressing compliance

24)	<u>Order Type and No.:</u>	Consent Order 03-180-W
	<u>Order Date:</u>	September 29, 2003
	<u>Responsible Party:</u>	Links Water, LLC
	<u>Facility:</u>	Links-O-Tryon WWTF
	<u>Location/Mailing Address:</u>	PO Box 282 Tigerville, S.C. 29688
	<u>County:</u>	Greenville
	<u>Previous Order(s):</u>	None
	<u>Permit/System Number:</u>	SC0042684
	<u>Violation(s) Cited:</u>	24 S.C. Code Ann Regs. 61- 9.122.41(e), S.C. Code Ann § 48-1-110(d)

Action: The Respondent has agreed to: (1) comply with all permitting and operating requirements in accordance with State and Federal regulations; (2) submit a Diagnostic Evaluation of the WWTF; (3) submit a Corrective Action Plan addressing compliance with fecal coliform; and, (4) hire a certified operator of proper grade.

25)	<u>Order Type and No.:</u> <u>Order Date:</u> <u>Responsible Party:</u> <u>Location/Mailing Address:</u> <u>County:</u> <u>Previous Order(s):</u> <u>Permit No.:</u> <u>Violation(s) Cited:</u>	Consent Order 03-061-A September 18, 2003 Piggly Wiggly Carolina Company, Inc. 221 Cherokee Road Florence, South Carolina 29501 Florence None None U.S. EPA Regulation 40 CFR 61.145; South Carolina Air Pollution Control Regulation 61-86.1
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Summary: Piggly Wiggly Carolina Corporation, Inc. ("Piggly Wiggly"), owns and operates grocery store #56 located in Florence, South Carolina. On August 29, 2002, Department personnel conducted a complaint investigation and determined that Piggly Wiggly personnel had removed approximately 350 square feet of floor tile and mastic containing regulated levels

of asbestos. Piggly Wiggly failed to ensure that an asbestos survey was done prior to the commencement of the renovation, provide the Department with written notification 10 working days prior to beginning the renovation, obtain an asbestos project license from the Department prior to beginning the renovation, ensure that personnel who removed the floor tile and mastic met applicable training and licensing requirements, and ensure that floor tile was disposed of at a landfill approved or permitted to accept asbestos waste.

Action: On March 21, 2003, the Department issued Piggly Wiggly a Notice of Violation and a Notice of Enforcement Conference, and an enforcement conference was held on April 8, 2003. A Consent Order was negotiated in which Piggly Wiggly agreed to: ensure that an asbestos survey is conducted prior to commencing renovation of any building or other structure subject to asbestos regulations; ensure that it obtains an asbestos project license prior to beginning any asbestos project; ensure that each worker and supervisor employed at an asbestos abatement project site meets applicable training and licensing requirements; ensure that it complies with applicable notification requirements; submit documentation identifying the disposal location of the floor tile; submit a plan for proper removal and disposal of the floor tile; and pay a civil penalty in the amount of seven thousand dollars (**\$7,000**). The penalty has been paid.

26) <u>Order Type and No.:</u>	Consent Order 03-062-A
<u>Order Date:</u>	September 12, 2003
<u>Responsible Party:</u>	Santee Cooper – Rainey Generating Station
<u>Location/Mailing Address:</u>	2900 Opry House Road Iva, South Carolina 29655
<u>County:</u>	Anderson
<u>Previous Order(s):</u>	None
<u>Permit No.:</u>	0200-0144
<u>Violation(s) Cited:</u>	U.S. EPA Regulation 40 CFR 60, Subpart A; South Carolina Air Pollution Control Regulation 61-61.1

Summary: Santee Cooper–Rainey Generating Station (“Santee Cooper”) produces electricity from four combustion turbine generators and operates pursuant to Construction Permit No. 0200-0144-CA, issued on April 18, 2000. Santee Cooper failed to submit required notifications of the date of construction of two 2,100,000-gallon fuel oil tanks (“tanks”) and notification of initial startup of one of the tanks, failed to obtain a construction permit from the Department prior to constructing the tanks, and failed to submit to the Department a written request to obtain an operating permit prior to placing one of the tanks into operation.

Action: On March 7, 2003, the Department issued Santee Cooper a Notice of Violation and a Notice of Enforcement Conference, and an enforcement

27)	<u>Order Type and No.:</u>	Consent Order 03-063-A
	<u>Order Date:</u>	September 12, 2003
	<u>Responsible Party:</u>	Container Care of South Carolina
	<u>Location/Mailing Address:</u>	2534 Spruill Avenue North Charleston, South Carolina 29405
	<u>County:</u>	Charleston
	<u>Previous Order(s):</u>	01-065-A (\$4,000)
	<u>Permit No.:</u>	0560-0158
	<u>Violation(s) Cited:</u>	Pollution Control Act, S.C. Code Ann. § 48-1-110(d), S.C. Air Pollution Control Regulation 61-62.70, <u>Title</u> <u>V Operating Permit Program</u> , section 70.5(a)(1)(iii)

Action: A Consent Order was negotiated in which Container Care agreed to submit to the Department a technically and administratively complete application for renewal of its Title V permit within 30 days, and to comply with all terms and conditions of Title V Air Quality Operating Permit TV-0560-0158 until such time as a final action is taken on the application for renewal.

28)	<u>Order Type and No.:</u> <u>Order Date:</u> <u>Responsible Party:</u> <u>Location/Mailing Address:</u> <u>County:</u> <u>Previous Order(s):</u> Permit No.:	Consent Order 03-064-A September 12, 2003 Malphrus Construction Company 30 Red Oak Lane Ridgeland, South Carolina 29936 Beaufort and Jasper 97-016-A (\$1,500), 99-073-A (\$8,500), 00-022-A (\$5,000) CM-0360-0037 and CM-1360-0027
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Violation(s) Cited:
S.C. Code Ann. Reg. 61-72.70

S.C. Code Ann. §48-1-110(d) and

Summary: Malphrus Construction Company, Inc., conducts land clearing at various sites and operated an air curtain incinerator in Cherry Point, South Carolina. The incinerator was later moved to Ridgeland, South Carolina. Malphrus was issued a Conditional Major Operating Permit CM-0360-0037 effective March 5, 1999, for the air curtain incinerator. The operating permit required the facility to: incinerate no more than 105 tons of material per day and 15,375 tons of material per year; maintain records of tonnage of material incinerated per day; maintain a 12-month rolling sum of the fuel burned in the incinerator diesel engine; operate the incinerator blower at all times the pit contains burning wood debris; have a trained operator on site during operation; submit an annual certification of compliance with the operation and maintenance (O&M) plan; and not exceed 20% opacity from the air curtain incinerator. Records of material incinerated and fuel burned must be submitted to the Department monthly. On October 31, 2000, a Department inspector observed burning material in the pit, but the blower was not operating. The facility also did not have a trained operator on site. The inspector conducted a Visual Emission Observation on emissions from the incinerator pit and determined the highest six-minute average opacity was 71%. Malphrus Construction Company, Inc., failed to submit monthly reports for June and July 2001; failed to include a 12-month rolling sum for incinerated materials for October 1999 through November 2000 and March 2001 through October 2001; failed to submit timely reports for October and December 2000 and August and November 2001; failed to include a rolling sum for fuel burned from October 1999 through January 2002; exceeded the yearly limit for materials burned for the monitoring periods ending in September 2000 through October 2001; exceeded the limit of 105 tons per day 52 times since October 1999; and failed to submit a certification of compliance with the O&M plan for the monitoring periods ending March 4, 2000 and 2001. Malphrus Construction Company, Inc., entered into Consent Order 99-073-A, on September 8, 1999, for violations of its operating permit, including failure to submit records and exceeding daily charge limits. The consent order required Malphrus Construction Company, Inc., to, *inter alia*, "Henceforth [to] ensure all burning conducted at the facility is done in accordance with permit requirements and regulations." On April 25, 2001, Department personnel investigated a complaint regarding a land-clearing project on Burnt Church Road in Bluffton, South Carolina. Malphrus Construction Company, Inc., was burning land-clearing debris, and smoke from the fire was blowing toward a nearby residential area. On July 13, 2001, Department personnel investigated a complaint regarding a land-clearing project on Burton Hill Road in Beaufort, South Carolina. Malphrus Construction Company, Inc., was burning land-clearing debris with the assistance of an enhanced air burner. Department personnel observed smoke generated at the site blowing towards a nearby residence, and the burner was unattended. Malphrus Inc., entered into Consent Order 00-022-A on April 12, 2000, for violations of State open burning regulations. The consent order required

Malphrus Construction Company, Inc., to cease all open burning unless conducted in accordance with Department regulations.

Action: On March 25, 2002, the Department issued Malphrus Construction Company a Notice of Violation and a Notice of Enforcement Conference, and an enforcement conference was held on April 4, 2002. A Consent Order was negotiated in which the facility agreed to submit all of its reports in a timely manner, comply with permit limits, ensure open burning is conducted in accordance with the regulations, and to pay a civil penalty in the amount of sixteen thousand dollars **(\$16,000)**. The penalty has been paid.

29) Order Type and No.: Consent Order 03-065-A
Order Date: September 15, 2003
Responsible Party: **Michelin North America, Inc.**
Location/Mailing Address: Post Office Box 2846
Greenville, South Carolina 29602
County: Anderson, Greenville, Spartanburg,
and Lexington
Previous Order(s): None
Permit No.: 0200-0018; 1200-0039; 1200-0266;
1560-0042; 1560-0113; 2060-0065
Violation(s) Cited: U.S. EPA Reg. 40 CFR 52.21; S.C.
Code Ann. §§48-1-90 and 110(d); and S.C. Code Ann. Reg. 61-62.1 and
61-62.5, Standard 5.1 and Standard 7.

Summary: Michelin North America, Inc., operates several tire and rubber manufacturing plants in South Carolina. In 1992 a change in the raw materials used in the rubber manufacturing process in the Anderson County plant ("US2") led to an increase in potential VOC emissions from US2 and several other Michelin tire-manufacturing plants in South Carolina. Michelin did not obtain a construction permit or conduct a Prevention of Significant Deterioration ("PSD") review prior to making the change in raw materials for any of its facilities. In 1997 the actual VOC emissions increase at US2 required Michelin to implement additional air pollution controls. In April 2003, Michelin exceeded the 130 tons per year limit for VOC emissions at US2 established in its Title V permit.

Greenville Plant US1

The facility failed to continuously monitor and record the temperature of the gas stream in its boilers and submit the formulation data for its green tire spray material. US1 also exceeded the 5 g/tire solvent-usage limit specified in its permit.

Spartanburg Plant US3

US3 failed to submit semi-annual visual inspection reports for three boilers and semi-annual VOC emissions reports for Rubber Preparation, Tire Building, and Green Tire Spraying.

Lexington Plant US5/US7

The permit requires US5 to maintain a minimum average VOC capture efficiency of 55% for four tire production lines and to conduct an annual VOC capture efficiency test. From May 14 through 31, 2002, Michelin conducted a VOC capture efficiency test on the four tire production lines. The average VOC capture efficiency was 38.1%. A re-test conducted July 24 through 27, 2002, demonstrated an average capture efficiency of 60.72%.

Action: On December 7, 2001, the Department issued Michelin North America, Inc., a Notice of Violation and a Notice of Enforcement Conference, and an enforcement conference was held on January 10, 2002. A Consent Order was negotiated in which the facility agreed to obtain any required construction permits and, if necessary, conduct pre-construction reviews prior to implementing alterations in the tire production process, install and maintain monitoring devices required by its permits, maintain the required minimum VOC capture efficiency, submit an implementation schedule for additional emission controls required by the Department, and pay a civil penalty in the amount of one hundred eleven thousand five hundred dollars (**\$111,500**). The penalty has been paid.

30)	<u>Order Type and No.:</u>	Consent Order 03-066-A
	<u>Order Date:</u>	September 23, 2003
	<u>Responsible Party:</u>	Wix Filtration Products
	<u>Location/Mailing Address:</u>	1422 Wix Road Dillon, South Carolina 29536
	<u>County:</u>	Dillon
	<u>Previous Order(s):</u>	None
	<u>Permit No.:</u>	0880-0021
	<u>Violation(s) Cited:</u>	S.C. Code Ann. §48-1-110(d); South Carolina Air Pollution Control Regulation 61-62.70

Summary: Wix Filtration Products (“Wix”) manufactures oil and air filters for the automotive industry. The Department issued Part 70 (“Title V”) Air Quality Operating Permit TV-0880-0021 to Wix, effective October 21, 1999. Wix failed to submit a timely and complete application for renewal of its Title V permit, which expires on September 30, 2003. The application for renewal was due to the Department by March 31, 2003, but was not submitted until April 14, 2003.

Action: On July 24, 2003, the Department issued Wix a Notice of Violation and a Notice of Enforcement Conference, and an enforcement

conference was held on August 6, 2003. A Consent Order was negotiated in which Wix agreed to: submit to the Department a technically and administratively complete permit application on or before September 26, 2003; and comply with all terms and conditions of Title V Air Quality Operating Permit TV-0880-0021 until such time as a final action is taken on its application for renewal.

31)	<u>Order Type and No.:</u>	Consent Order 03-067-A
	<u>Order Date:</u>	September 26, 2003
	<u>Responsible Party:</u>	Rockland Industries, Inc.
	<u>Location/Mailing Address:</u>	253 Calhoun Street Bamberg, South Carolina 29003
	<u>County:</u>	Bamberg
	<u>Previous Order(s):</u>	97-036-A (\$4,000), 98-022-A (\$3,200)
	<u>Permit No.:</u>	CM-0260-0002
	<u>Violation(s) Cited:</u>	S.C. Code Ann. §48-1-90(a) and 110(d); and S.C. Code Ann. Reg. 61-62.1; U.S. EPA 40 CFR 60.48c

Summary: Rockland Industries is a facility that produces finished textile goods. The Department issued Operating Permit 0260-0002 to the facility on January 11, 1999. Department personnel conducted compliance inspections on May 27, 1999, March 13, 2000, February 7, 2001, and September 9, 2002. The facility failed to maintain the required maintenance, opacity, and fuel usage logs and to maintain the temperature gauge and minimum operating temperature for the emission control device. The facility also installed and operated a dry cleaning machine, a lint collection device, three roller print lines, a tenter oven and a new flock vacuum baghouse prior to obtaining permits from the Department.

Action: On March 20, 2000, the Department issued Rockland Industries a Notice of Violation and a Notice of Enforcement Conference for violations observed on May 27, 1999, and March 13, 2000. Rockland Industries personnel attended an enforcement conference on May 3, 2000, to discuss the cited violations. On September 24, 2001, the Department issued a Notice of Violation and a Notice of Enforcement Conference to Rockland Industries for the violations observed during the inspection conducted on February 7, 2001, and subsequent records review. An enforcement conference was held on October 29, 2001. The additional violations that were discovered after the Notices of Violation were discussed subsequently with Rockland Industries. All permitting violations have been resolved. A Consent Order was negotiated in which the facility agreed to pay a civil penalty in the amount of nine thousand four hundred dollars (**\$9,400**). The penalty is due in four payments by January 27, 2004.

Summary: New South Lumber Company, Inc. - Camden Plant (New South) is a lumber mill that processes pine logs into usable lumber. New South operates pursuant to Part 70 (Title V) Air Quality Operating Permit TV-1380-0025, effective November 3, 1998, subsequent revisions, and subsequent construction permits. A review of Department records indicated that New South

failed to complete a Prevention of Significant Deterioration (PSD) review prior to a major modification resulting in a significant increase in potential emissions of particulate matter; exceeded its permitted production limit of 130×10^6 board-feet per year (bd-ft/yr) of lumber for its planer mill; exceeded its permitted production limit of 137.2×10^6 bd-ft/yr of lumber for its five steam-heated lumber-drying kilns (ID 02); exceeded its permitted Volatile Organic Compound (VOC) emissions limit of 249.14 tons per year for its wood-waste boiler and ID 02; and exceeded a net increase of 100 tons of VOC emissions prior to implementing the most stringent emissions controls pursuant to LAER regulations.

Action: On October 8, 2002, the Department issued New South a Notice of Violation and a Notice of Enforcement Conference and an enforcement conference was held on October 29, 2002. The Department also issued a Notice of Violation to New South on March 18, 2003, and the Department met with New South on May 1, 2003, to discuss the violations. A Consent Order was negotiated in which New South agreed to henceforth ensure that it completes a PSD review prior to initiating any major modifications subject to the PSD regulations, maintains compliance with the planer mill production limit established in its permits, maintains compliance with the VOC emissions limit established in its permits, and maintains compliance with the lumber-drying kiln production limit established in its permits, and to pay a civil penalty in the amount of thirty-two thousand five hundred dollars (**\$32,500**) payable in four equal payments of eight thousand one hundred twenty-five dollars (**\$8,125**) each. The Department received the first payment on September 29, 2003.